

BEFORE THE REAL ESTATE APPRAISER BOARD  
STATE OF OKLAHOMA

In the Matter of **MARIAH M. MILLER,**  
Respondent.

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)  
)

Complaint #10-087

**BOARD'S DECISION ON  
DISCIPLINARY HEARING PANEL RECOMMENDATION**

On the 7th day of October, 2011 the above-referenced matter comes on for hearing before the Oklahoma Real Estate Appraiser Board (the "Board"). The Board was represented by a Disciplinary Hearing Panel consisting of three members, Kelly R. Bridges, James R. Artman, and Brett M. Brown that held a hearing on August 16, 2011. Kelly R. Bridges was elected and served as Hearing Panel Chairman. Said panel was represented by the Board's attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. The Respondent, Mariah M. Miller, appeared pro se, after having been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel by certified mail with return receipt requested pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-718, and the Oklahoma Administrative Procedures Act, 75 O.S. §§250-323.

The Board, being fully advised in the matter, and upon hearing oral argument from both the Respondent, and the Board's prosecutor, Stephen L. McCaleb, makes the following Order adopting in part, and modifying in part, the Panel's Recommendation.

**JURISDICTION**

1. That the OREAB has the duty to carry out the provisions of the Oklahoma Certified Real Estate Appraisers Act as set forth at Title 59 of the Oklahoma Statutes, §§858-701, *et seq.* and to establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

2. That the OREAB has promulgated rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act in regard to disciplinary

proceedings as set forth at the Oklahoma Administrative Code, §§600:15-1-1 thru 600:15-1-22, including administrative hearings.

3. That Respondent, MARIAH M. MILLER, (the "Respondent") is a state certified residential appraiser in the State of Oklahoma, holding credential number 12796CRA and was first credentialed with the Oklahoma Real Estate Appraiser Board on December 18, 2007.

#### **FINDINGS OF FACT**

The Board adopts in full the findings of the Hearing Panel that the following facts were proved by clear and convincing evidence.

1. That Respondent, MARIAH M. MILLER, is a state certified residential appraiser in the State of Oklahoma, holding credential number 12796CRA and was first credentialed with the Oklahoma Real Estate Appraiser Board on December 18, 2007.

2. In September of 2010, MetLife, (the "client") hired Respondent to complete an appraisal on the subject property (the "appraisal"), located at 301 South Wyndemere Springs, Moore, Oklahoma (the "subject property"). The subject property is a custom built home with extensive wood flooring, trim, and built in cabinet.

3. The date of appraised value was reported as September 17, 2010. Respondent reported a final estimate of value as Three Hundred Twenty Thousand Dollars and 00/100 (\$320,000.00). The report was submitted to the client.

4. That Respondent's appraisal report stated, in the Appraiser's Certification, that the appraisal was developed and the report prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

5. Errors were committed in the report; these errors include but are not limited to the following paragraphs.

**COMPARABLE TWO**

6. Respondent made a negative \$44,000 condition adjustment to comparable two without adequate support or explanation for such an adjustment (comparable two was built by the same builder of the subject property).

**COMPARABLE THREE**

7. Comparable number three is thirteen years old. Respondent's age adjustment of a positive \$5,500 is not supported nor explained.

**LISTING TWO**

8. Respondent's listing two (102 S. Wyndemere Lakes, Moore, Oklahoma) is six years older than the subject property. Despite the age difference, Respondent made a condition adjustment of negative \$30,000 with no support or explanation.

**ADDITIONAL ERRORS**

9. The subject property is zoned R-1. Respondent incorrectly reported it as SFR.

10. Respondent reported that the dimensions of the site were unavailable. However, the dimensions were available via the data sources reported as sources utilized by Respondent.

11. Respondent's support for the site value included references to "improved lot sales similar in size to that of the subject. When taking into (sic) consideration the improvements to land ratio, the site value as indicated in the report seems reasonable." Respondent provided no actual land sales or support for her land value.

12. The Respondent failed to demonstrate either in her appraisal report or in her testimony, adequate knowledge of certain fundamental appraisal concepts including extraction of market adjustments through review of market data or development of applicable depreciation through review of market data.

**CONCLUSIONS OF LAW**

The Board adopts in full the conclusions of law entered by the Hearing Panel:

1. That Respondent has violated 59 O.S. § 858-723(C)(6) through 59 O.S. §858-726, in that Respondent violated:

A) The Competency Rule of the Uniform Standards of Professional Appraisal Practice;

B) The Scope of Work Rule of the Uniform Standards of Professional Appraisal Practice;

C) Standard 1 and Standards Rules 1-1, 1-4 Standard 2 and Standards Rules 2-1, and 2-2 of the Uniform Standards of Professional Appraisal Practice. These include the sub sections of the referenced rules.

2. That Respondent has violated 59 O.S. § 858-723(C)(8): "Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal."

**FINAL ORDER**

**WHEREFORE**, the Board having adopted in full the Findings of Fact and Conclusions of Law as set forth above sets forth the following Final Order modifying in part the Recommendation of the Hearing Panel.

1. Respondent be placed on probation for a period of **SIX (6) MONTHS** beginning on the effective date of the Board's final order in this matter during which period Respondent will submit a log of all of her appraisals to the administrative office of the Board not later than the fifth day of each month and will provide copies of any appraisal reports and work files upon request of the Board during the period of probation.

2. Respondent shall successfully complete corrective education as set forth below. Such courses shall be completed within one (1) year following entry of any final order in this matter with certificates of course completion furnished to the administrative office of the Board. Courses shall be Board-approved courses taken from a Board-approved course provider and may be used

for credit as continuing education required for credential renewal. Courses to be taken shall be as follows:

- a. Course #612 – Residential Site Valuation and Cost Approach (15 Hours);
  - b. Course #613 – Residential Sales Comparison and Income Approach (30 Hours).
3. In the event of failure to comply with any requirement of any final order in this matter, the Board's Director shall revoke Respondent's appraiser credential without further Board action, shall immediately notify Respondent of any such revocation by certified mail, return receipt requested, and shall report the revocation to the Appraisal Subcommittee for inclusion on the National Registry.

**THE BOARD WISHES TO ADVISE THE RESPONDENT THAT SHE HAS THIRTY (30) DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.**

IT IS SO ORDERED THIS 7th day of October, 2011.



  
SHANNON N. GABBERT, Board Secretary

  
BRYAN NEAL, Assistant Attorney General  
Counsel to the Board

**CERTIFICATE OF MAILING**

I, Christine McEntire, hereby certify that on the 19 day of October, 2011, a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail by certified mail, return receipt requested to:

**Mariah M. Miller**  
16400 Vickie Drive  
Oklahoma City, Oklahoma 73170

7010 3090 0000 3334 7134

and that copies were forwarded by first class mail to the following:

**James R. Artman, Hearing Panel Officer**  
4612 Foxbrough Court  
Norman, Oklahoma 73072

**Kelly R. Bridges, Hearing Panel Officer**  
P.O. Box 602  
Elgin, Oklahoma 73538

**Brett M. Brown, Hearing Panel Officer**  
1601 W. English Way  
Mustang, Oklahoma 73064

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Christine McEntire